

3. The department ~~of cultural affairs~~, to the extent it is able, shall provide recommendations on whether a limit on tax credits should be established, the need for a broader or more restrictive definition of eligible property, and other adjustments to the tax credits under this chapter.

Approved May 4, 2009

CHAPTER 99

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM — BENEFITS — CANCER AND INFECTIOUS DISEASES

S.F. 226

†**AN ACT** concerning the statewide fire and police retirement system by establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits and by increasing the contribution rate.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 411.1, Code 2009, is amended by adding the following new subsections:
NEW SUBSECTION. 5A. “Cancer” means prostate cancer, primary brain cancer, breast cancer, ovarian cancer, cervical cancer, uterine cancer, malignant melanoma, leukemia, non-Hodgkin’s lymphoma, bladder cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer.

NEW SUBSECTION. 9A. “Infectious disease” means HIV or AIDS as defined in section 141A.1, all strains of hepatitis, meningococcal meningitis, and mycobacterium tuberculosis.

Sec. 2. Section 411.6, subsection 5, paragraph c, Code 2009, is amended to read as follows:
c. (1) Disease under this section subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases.

(2) Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty.

(3) However, if a person’s membership in the system first commenced on or after July 1, 1992, and the heart disease, or disease of the lungs or respiratory tract, cancer, or infectious disease would not exist, but for a medical condition that was known to exist on the date that membership commenced, the presumption established in this paragraph “c” shall not apply.

Sec. 3. Section 411.6, subsection 9, paragraph a, Code 2009, is amended to read as follows:

a. (1) If, upon the receipt of evidence and proof from the chief of the police or fire department that the death of a member in service was the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place, or while acting pursuant to order, outside of the city by which the member is regularly employed, the system decides that death was so caused in the performance of duty, there shall be paid, in lieu of the ordinary death benefit provided in subsection 8, an accidental death benefit as set forth in this subsection.

(2) (a) Disease under this subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases.

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

(b) Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty.

Sec. 4. Section 411.8, subsection 1, paragraph f, subparagraph (8), Code 2009, is amended to read as follows:

(8) Beginning July 1, 1996, and each fiscal year thereafter, an amount equal to the member's contribution rate times each member's compensation shall be paid to the fund from the earnable compensation of the member. For the purposes of this subparagraph, the member's contribution rate shall be nine and thirty-five hundredths percent or, beginning July 1, 2009, nine and four-tenths percent. However, the system shall increase the member's contribution rate as necessary to cover any increase in cost to the system resulting from statutory changes which are enacted by any session of the general assembly meeting after January 1, 1991, if the increase cannot be absorbed within the contribution rates otherwise established pursuant to this paragraph, but subject to a maximum employee contribution rate of eleven and three-tenths percent or, beginning July 1, 2009, eleven and thirty-five hundredths percent. The contribution rate increases specified in 1994 Iowa Acts, ch. 1183, pursuant to this chapter and chapter 97A shall be the only member contribution rate increases for these systems resulting from the statutory changes enacted in 1994 Iowa Acts, ch. 1183, and shall apply only to the fiscal periods specified in 1994 Iowa Acts, ch. 1183. After the employee contribution reaches eleven and three-tenths percent or eleven and thirty-five hundredths percent, as applicable, sixty percent of the additional cost of such statutory changes shall be paid by employers under paragraph "c" and forty percent of the additional cost shall be paid by employees under this paragraph.

Sec. 5. MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM — REPORT. The municipal fire and police retirement system, as established pursuant to chapter 411, shall collect data related to the implementation, utilization, and costs associated with the requirements of this Act providing that cancer and infectious disease are presumed to be a disease contracted while a member of the retirement system is on active duty as provided in section 411.6, subsections 5 and 9. In collecting and reporting data, the system shall provide information as to the actuarial cost to the system of the requirements of this Act and shall collect data from the cities relative to any associated medical, insurance, or other costs incurred by the cities as a result of this Act. The retirement system shall submit a written report to the general assembly by October 1, 2013, concerning the data collected, including its findings and recommendations.

Approved May 8, 2009

CHAPTER 100**DISASTER RECOVERY AND REMEDIATION —
EXPENDITURES — FINANCING***S.F. 457*

AN ACT relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, providing income tax credits for certain disaster recovery housing projects, and including effective date and retroactive applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
LEGALIZING ACT**

Section 1. CERTAIN PRIOR PROCEEDINGS AND ACTIONS LEGALIZED — AMENDMENT OF BUDGETS — REPORT. All proceedings conducted or actions taken by or on behalf of a city or county located in an area that the governor has proclaimed a disaster emergency or the United States president has declared a major disaster, related to the emergency repair or reconstruction of public improvements damaged by a natural disaster during the period of time beginning May 1, 2008, and ending August 31, 2008, and related to all natural disaster-related expenditures by a city or county in excess of an original or previously amended city or county budget for the fiscal year ending June 30, 2008, that were conducted or taken in violation of the requirements of section 331.435, 331.437, or 384.18, as applicable, prior to the effective date of this division of this Act are hereby legalized and validated, and, to that extent, this Act applies retroactively to the date such proceedings were conducted or actions were taken.

On or before January 1, 2010, the Iowa league of cities and the Iowa state association of counties shall each submit a report to the chairpersons and ranking members of the rebuild Iowa committees of the senate and house of representatives. Each report shall include a summary of the circumstances and actions taken by those cities or counties, as applicable, that are subject to this division of this Act.

Sec. 2. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

**DIVISION II
LOCAL FINANCING
AND PUBLIC CONSTRUCTION BIDDING**

Sec. 3. Section 16.131, Code 2009, is amended by adding the following new subsection: **NEW SUBSECTION. 7.** Notwithstanding any provision of this chapter to the contrary, moneys received under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, and deposited in the revolving loan funds may be used in any manner permitted or required by applicable federal law.

Sec. 4. Section 28E.6, Code 2009, is amended by adding the following new subsection: **NEW SUBSECTION. 4.** A joint board of an entity created in an agreement that is responsi-